

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Miren Edurne **BAROJA FERNANDEZ**, et al.
Application No.: 10/587,372 Group No.: 1638
Filed: June 12, 2008 Examiner: B.T. Page
Confirmation No. 1684

For: METHOD OF PRODUCTION OF RECOMBINANT SUCROSE SYNTHASE,
USE THEREOF IN THE MANUFACTURE OF KITS FOR DETERMINATION
OF SUCROSE, PRODUCTION OF ADPGLUCOSE AND PRODUCTION OF
TRANSGENIC PLANTS WHOSE LEAVES AND STORAGE ORGANS
ACCUMULATE HIGH CONTENTS OF ADPGLUCOSE AND STARCH

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

WARNING: *Submission of a letter related to a biological deposit after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.*

I, CLIFFORD J. MASS
Name of Applicant or Assignee or Assignee's representative

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office to **(571) 273-8300**

- ☒ **EFS-WEB**
transmitted electronically

Date: June 1, 2011

Signature _____
CLIFFORD J. MASS
(type or print name of person certifying)

hereby state:

1. That the following culture(s) referred to in the specification of this application have been deposited:

<u>PSS5</u>	<u>CECT 5849</u>
Strain	Accession number
<u>Strain</u>	<u>Accession number</u>
<u>Strain</u>	<u>Accession number</u>
<u>Strain</u>	<u>Accession number</u>

2. That the date of the above deposit is:

(check appropriate item below)

- ☒ before the U.S. filing date of this application.
☐ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

3. That the name and address of the depository is:

Coleccion Espanola de Cultivos Tipo (CECT)
Name of depository
46100 Burjasot (Valencia) Spain
Address of depository

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

(complete a, b or c below)

- a. ☒ the depository.
b. ☐ the applicant.
c. ☐ a competent third party.

WARNING: *If the applicant himself or a competent third party makes the statement that the microorganism is viable and is capable of reproduction, if appropriate, then the tests must have been performed on a sample certified to have been (1) received by the depository with the same samples actually deposited and (2) promptly returned to applicant.*

5. That, with respect to the permanence of the culture(s) deposit:

(complete a , b , or c)

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☐ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☐ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I state that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I state that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

[] Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

1 June 2011

Date

CLIFFORD J. MASS
(type or print name of person signing)

Signature _____

P.O. Address of Signatory

- ☐ Inventor
☐ Assignee of complete interest
☒ Person authorized to sign on behalf of assignee

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee: _____

Assignment recorded in PTO on _____

Reel _____ Frame _____

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.